



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,008	03/21/2006	Howard Thomas	CE00552UM	2503
22917	7590	11/19/2009		
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER LY, NGHI H	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 11/19/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

Office Action Summary	Application No. 10/573,008	Applicant(s) THOMAS, HOWARD	
	Examiner NGHI H. LY	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 5, 10 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 5, 10 and 26, the newly added limitations recite "*the communication adaptation function operable to influence the communication behavior of the first communication unit in reducing an effect of the interference in the portion of the shared resource used by the second communication unit*".

It is not clear to the examiner how to reduce the interference by influencing.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craig et al (US 2004/0203806A1) in view of Molnar et al (US 2002/0044614A1)

Regarding claims 1, 10 and 26, Craig teaches a communication system including a plurality of communication networks defining a shared communication resource supporting communications for a plurality of communication units (see Abstract, see “share the same radio resource” and “eliminates interference”), wherein the communication system comprises: an identification function for identifying interference from a first communication unit experienced by a second communication unit operating within of a portion of the shared resource (see Abstract, [0007], [0008], [0017] and [0024]), and a communication adaptation function, responsive to the resource responsible agent (see Abstract, [0007], [0008], [0017], [0024] and [0026]), the communication adaptation function operable to influence the communication behavior of the first communication unit in reducing an effect of the interference in the portion of the shared resource used by the second communication unit (see Abstract, [0007], [0008], [0017], [0024] and [0026]).

Craig does not specifically disclose a resource-responsible agent responsive to the identification function, the resource-responsible agent distributable from the second communication unit to the first communication unit in response to identifying an interference from the first communication unit within the portion of the shared resource.

Molnar teaches a resource-responsible agent responsive to the identification function (see [0058], see “identified”), the resource-responsible agent distributable from the second communication unit to the first communication unit in response to identifying an interference from the first communication unit within the portion of the shared

Art Unit: 2617

resource (see [0058], see “co-channel”, “interference”, “identified” and “interference map 50 can be obtained”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Molnar into the system of Craig in order to provide a method for demodulating a received signal (see Molnar, Abstract).

Regarding claims 2 and 24, Craig teaches the resource responsible agent is activated in the first communication unit upon receipt of a trigger (see Abstract and fig.2).

Regarding claims 3, 5, 21 and 27, Craig teaches the first and second communication units reside on different communication networks, and wherein the communication networks are uncoordinated (see fig.1 and fig.2).

Regarding claims 4 and 15, Craig teaches the resource-responsible agent is propagated from interfering communication unit to interfering communication unit (see Abstract, [0007], [0008], [0017] and [0024]).

Regarding claims 6, 7, 22 and 23, Craig teaches the communication system is further comprises a reconciliation and mediation agent operably coupled to the first network and second network for mediating therebetween (see Abstract and fig.2).

Regarding claims 8, 9, 13 and 18, Craig teaches an activation of the resource-responsible agent in the first communication unit has different sensitivity threshold levels, where each sensitivity threshold level initiates a different operational response within the first communication unit.

Regarding claims 11, 19 and 20, Craig teaches the communication unit is a

Art Unit: 2617

wireless subscriber communication unit or a wireless serving communication unit (see fig.1 and fig.2).

Regarding claims 12 and 14, Craig teaches the resource responsible agent is distributable to a number of communication units operating in the more networks (see Abstract, [0007], [0008], [0017] and [0024]).

Regarding claim 16, Craig teaches the communication adaptation function comprises one or more time-limited behaviour behavior pattern(s) (see Abstract, [0007], [0008], [0017] and [0024]).

Regarding claims 17 and 25, Craig teaches the communication adaptation function automatically and/or autonomously adapts one or more operational parameters of the communication unit in response to the resource-responsible agent (see Abstract, [0007], [0008], [0017] and [0024]).

Response to Arguments

5. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGHI H. LY whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Application/Control Number: 10/573,008

Page 7

Art Unit: 2617

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

/Nghi H. Ly/
Primary Examiner, Art Unit 2617